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STATUTORY INSTRUMENTS

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**2013 No. 3113**

**The Waste Electrical and Electronic  
Equipment Regulations 2013**

**PART 12  
APPEALS**

**Right of appeal**

- 83.**—(1) An operator of a scheme or an operator of a proposed scheme may appeal—
- (a) to the Secretary of State against a decision of the Environment Agency;
  - (b) to the Welsh Ministers against a decision of the Natural Resources Body for Wales;
  - (c) to the Scottish Ministers against a decision of SEPA; and
  - (d) to the Planning Appeals Commission against a decision of the Department of the Environment.
- (2) For the purposes of paragraph (1), a decision means a decision—
- (a) to refuse to grant an approval allowing a distributor to rely on existing take back facilities, under regulation 69;
  - (b) to refuse to grant approval of that operator’s proposed scheme under regulation 55; or
  - (c) to withdraw approval of that operator’s scheme under regulation 58.
- (3) An operator of an ATF or an exporter may appeal—
- (a) to the Secretary of State against a decision of the Environment Agency;
  - (b) to the Welsh Ministers against a decision of the Natural Resources Body for Wales;
  - (c) to the Scottish Ministers against a decision of SEPA; and
  - (d) to the Planning Appeals Commission against a decision of the Department of the Environment.
- (4) For the purposes of paragraph (3), a decision means a decision—
- (a) to refuse to grant an application for approval made by that operator of an ATF or that exporter under regulation 61;
  - (b) to refuse to grant an extension of a grant of approval made to that exporter under regulation 62; or
  - (c) to suspend or cancel a grant of approval made in relation to that ATF or that exporter under regulation 64.
- (5) For the purposes of this Part and Schedule 14, “appeal body” means one of the following—
- (a) the Secretary of State;
  - (b) the Welsh Ministers;
  - (c) the Scottish Ministers; or

- (d) the Planning Appeals Commission.

### **Procedure of appeals**

**84.**—(1) Where an appeal is made to an appeal body under regulation 83, that body may—

- (a) appoint any person to exercise on its behalf, with or without payment, the function of determination of the appeal; or
- (b) refer any matter involved in the appeal to such person as that body may appoint for the purpose, with or without payment.

(2) If the appellant so requests, or the appeal body so decides, the appeal will be or continue in the form of a hearing (which may, if the person hearing the appeal so decides, be held or held to any extent in private).

- (3) Schedule 14 will have effect with respect to the procedure of any such appeal.

### **Determination of appeals**

**85.** Where, on an appeal made under regulation 83, the appeal body determines that the decision of the appropriate authority will be altered it will be the duty of that appropriate authority to give effect to the determination.

### **Status of a decision pending appeal**

**86.** Where an appeal made under regulation 83 is pending in a case falling within regulation 58 or 64—

- (a) a decision—
  - (i) to withdraw approval of a scheme, or
  - (ii) to cancel approval of an ATF or an exporter,will be ineffective until the appeal is disposed of; and if the appeal is dismissed or withdrawn the decision will become effective from the end of the day on which the appeal is dismissed or withdrawn; and
- (b) a decision to suspend approval will remain in force.